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8   UNITED STATES DISTRICT COURT

9   EASTERN DISTRICT OF CALIFORNIA

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11 ROBERT K. ADAMS,   1:05-cv-00488-REC-DLB-P

12   Plaintiff,   **ORDER ADOPTING FINDINGS AND
                                     RECOMMENDATIONS AS AMENDED**
13 vs.   (Doc. 14), **DISMISSING ACTION,
                                     AND DIRECTING CLERK TO ENTER**
14 LARANCE, et al.,   **JUDGMENT FOR DEFENDANTS**

15   Defendants.
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18   Plaintiff, Robert K. Adams ("plaintiff"), is a federal

19 prisoner proceeding pro se and in forma pauperis in this civil

20 rights action pursuant to Bivens v. Six Unknown Named Agents of

21 Federal Bureau of Narcotics, 403 U.S. 388 (1971). The matter was

22 referred to a United States Magistrate Judge pursuant to 28

23 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

24   On January 14, 2006, the Magistrate Judge filed Findings and

25 Recommendations herein which were served on plaintiff and which

26 contained notice to plaintiff that any objections to the Findings

27 and Recommendations were to be filed within thirty (30) days. On

28 February 6, 2006, plaintiff filed objections to the Magistrate

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1   Judge's Findings and Recommendations.

2   In accordance with the provisions of 28 U.S.C.

3   § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a

4   de novo review of this case.

5   The court concurs with the recommendation that dismissal of

6   this Bivens action is required pursuant to Heck v. Humphrey. See

7   Martin v. Sias, 88 F.3d 774, 775 (9th Cir. 1996)(Heck v. Humphrey

8   applies to actions pursuant to Bivens). However, the court

9   amends the recommendation to delete all references therein to 42

10 U.S.C. § 1983 because Section 1983 applies only to acts under

11 color of state law.

12   Accordingly, IT IS HEREBY ORDERED that:

13   1.   The Findings and Recommendations, filed January 14,

14 2006, are ADOPTED as amended herein;

15   2.   This action is DISMISSED with prejudice; and

16   3.   The Clerk of the Court is directed to enter judgment

17 for defendants.

18   IT IS SO ORDERED.

19 **Dated: February 15, 2006   /s/ Robert E. Coyle**
        668554   UNITED STATES DISTRICT JUDGE

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